

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 13
	:	
Taara M Green,	:	Case No. 19-11381 (MDC)
	:	
Debtor.	:	Hearing Date: May 9, 2023 at 10:30 a.m.
	:	Objections Due: April 26, 2023
	:	

**MOTION OF POLICE AND FIRE FEDERAL CREDIT UNION
FOR RELIEF FROM THE AUTOMATIC STAY TO EXERCISE RIGHTS WITH
RESPECT TO 7915 PROVIDENT STREET, PHILADELPHIA, PA 19150**

Police and Fire Federal Credit Union (“PFFCU”), by and through its undersigned counsel, Dilworth Paxson LLP, hereby moves for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to exercise its rights with respect to its claims that are secured by Taara M. Green’s (the “Debtor”) real property located at 7915 Provident Street, PA 19150 (the “Real Property”) due to the Debtor’s failure to make post-petition payments and lack of adequate protection.

I. BACKGROUND

1. On March 18, 2008, the Debtor executed a mortgage and note, payable to PFFCU, pursuant to which PFFCU provided a loan to the Debtor secured by the Real Property (the “Mortgage”). A true and correct copy of the Mortgage is attached as **Exhibit A**.

2. On August 26, 2016, the Debtor executed a mortgage and note, payable to PFFCU, pursuant to which PFFCU provided a home equity loan to the Debtor secured by the Real Property (the “Home Equity Loan”). A true and correct copy of the Home Equity Loan is attached as **Exhibit B**.

3. On March 6, 2019 (the “Petition Date”), the Debtor filed an individual voluntary petition under Chapter 13 of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”).

4. As of the Petition Date, Debtor was indebted to PFFCU in the amount of \$57,013.09 pursuant to the Mortgage that is secured by the Real Property.

5. As of the Petition Date, Debtor was also indebted to PFFCU in the amount of \$26,633.09 pursuant to a Home Equity Loan that is secured by the Real Property.

6. The Debtor’s Chapter 13 Plan provides that the Debtor will pay her post-petition Mortgage payments and her Home Equity Loan payments directly to PFFCU outside of her plan.

7. The Debtor’s Chapter 13 Plan was confirmed on September 11, 2019 (Dkt. 18).

8. The Debtor is currently two months in arrears on her post-petition payments on the Mortgage. She has not paid PFFCU for the months of March and April 2023. She owes PFFCU \$1,696.96 in Mortgage payments.

9. The Debtor is currently two months in arrears on her payments on the Home Equity Loan. She has not paid PFFCU for the months of March and April 2023. She owes PFFCU \$691.68 in payments on the Home Equity Loan.

10. Therefore, the Debtor is in default under the terms of her confirmed plan by not making her post-petition payments as they come due.

II. CAUSE FOR RELIEF FROM THE AUTOMATIC STAY EXISTS WITH RESPECT TO THE REAL PROPERTY

11. As of the date of this Motion, the Debtor is two months in arrears post-petition to PFFCU with respect to her post-petition Mortgage obligations, and two months in arrears post-petition with respect to her post-petition Home Equity Loan obligations.

12. Given that the Debtor has not made these payments to PFFCU post-petition, PFFCU's interest in the Real Property continues to be impaired and is not adequately protected as required by 11 U.S.C. § 361.

13. Accordingly, cause exists pursuant to 11 U.S.C. § 362(d)(1) to lift the automatic stay to allow PFFCU to exercise its rights with respect to the Real Property that secures the Debtor's obligations to PFFCU.

III. CONCLUSION

WHEREFORE, PFFCU respectfully requests that this Court enter an Order granting relief from the automatic stay pursuant to § 362(d) so that PFFCU may exercise its rights with respect to the Real Property, and granting such other and further relief as appropriate.

DILWORTH PAXSON LLP

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Dated: April 12, 2023

Attorneys for Police and Fire Federal Credit Union